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Remarks

This amendment and response is submitted in response to the Examiner's election of species requirement mailed December 16, 2005. New claims 26-29 are added that specifically read on the species elected below. Support for the subject matter of the new claims can be found in the specification for example at paragraphs 43 and 44 and in Figure 4.

The Examiner required under 35 U.S.C. §121 the election of a single disclosed species between that of: 1) species I in figure 2; 2) species II in figure 3, 3) species III in figure 4; 4) species IV in figure 5; 5) species V in figure 6; 6) species VI in figure 7; 7) species VII in figure 8; and 8) species VIII in figure 9. **Applicant elects the species of Figure 4.**

Applicant also notes that claims 16-17 and new claims 26-29 read specifically on the elected species. The Examiner noted that claim 1 is generic, applicant agrees that claim 1 is generic and respectfully submits that claims 2-7, 8, 10, 12, 13, 21, 22, 24 and 25 are also generic claims with respect to the ablation probe and/or means for delivering ablation energy.

Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

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The Examiner is respectfully requested to contact the undersigned by telephone at 763.505.0003 or by E-mail at mary.p.bauman@medtronic.com with any questions or comments.

Respectfully submitted,

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